

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REISSUE APPLICATION OF:

PATENTEE: ANDREA DREI

TITLE: DEVICE FOR THE ADVANCEMENT OF BARS, PARTICULARLY  
NARROW BARS, IN AUTOMATIC LOADERS

PATENT NO.: 5,890,407

ISSUE DATE: APRIL 6, 1999

REISSUE DECLARATION

Box REISSUE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Andrea Drei hereby declares and says that:

1. My residence, post office address and citizenship are as follows:

**Andrea Drei**

Residence: Faenza (Province of Ravenna), Italy

Post Office Address: Faenza (Province of Ravenna), Italy

Citizenship: Italy

2. I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled: DEVICE FOR THE ADVANCEMENT OF BARS, PARTICULARLY NARROW BARS, IN AUTOMATIC LOADERS, the specification of which is attached hereto.

3. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

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4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

5. I believe that my U.S. Patent No. 5,890,407 ('407) is wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. The following is a discussion of at least one error being relied upon as the basis for the reissue:

**A. Invention Described in the '407 Patent**

The '407 patent relates to a device for the advancement of bars in automatic loaders associated with a loading system for a plurality of bars, the advancement device having a mechanism for the individual release of the bars and a bar pusher for pushing the bar into a spindle of an automatic lathe, the bar pusher being adapted to connect with a collet which is adapted to receive the rear end of a released bar. In its broadest sense and as accurately set forth by the examiner in the Notice of Allowance dated October 13, 1998, the invention disclosed in the '407 patent is composed of the combination of a bar advancement device including a carriage provided with a grip element for clamping a bar to be advanced, the carriage being slidable so as to advance the bar end into a collet and a bar pusher being aligned with the bar when the carriage is at its final position so as to secure the bar in the collet. This combination of elements has the advantage of advancing relatively thin bars into a collet with minimal damage to the bar.

**B. Claim 1 of the '407 Patent**

As is clear from the foregoing description in Paragraph 5(A), an important feature of the invention described in the '407 patent is the combination of a carriage provided with a

grip element for clamping a bar to be advanced, the carriage being slidable so as to advance the bar end into a collet and a bar pusher being aligned with the bar when the carriage is in its final position so as to secure the bar to the collet. However, claim 1, (the only independent claim in the '407) recites many other elements in addition to the foregoing which are not required or necessary for the functioning of the invention nor for distinguishing the invention of the '407 patent over the prior art. For example, claim 1 recites the following unnecessary limitations:

- (a) a guiding means
- (b) means for locking and actuating
- (c) supporting elements.

I believe that the above-elements (a), (b) and (c) (as well as the use of the means plus function language) are unnecessary limitations on my invention as disclosed in the '407 patent which unnecessarily limit the scope of the claims such that I claimed less than I had a right to claim. While elements (a), (b) and (c) certainly describe preferred structural embodiments of my invention, the fact of the matter is that the invention can take many other structural forms which, nevertheless, provide a device which performs its intended function. Consequently, the inclusion of elements (a), (b) and/or (c) in claim 1 (as well as claims 2-7), and the use of means plus function language constitute an error or insufficiency in the claims which render the claims wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim.

#### C. New Claims 8-34

New independent claim 8 is similar to original claim 1 with the difference being that the means plus function language has been removed. The elements recited in claim 8 find support in the figures, as well as the text at column 1, line 63 through column 4, line 44.

Claims 9-18 all depend from claim 8 and find basis in the original '407 patent. The following table references the dependent claims 9-18 as corresponding to a dependent claim in the '407 patent or as reciting a limitation found in claim 1 of the '407 patent.

Claim	Corresponds Substantially to Original Claims	Limitation Present in Original Claim1
9		"supporting elements"
10	See original claim 2	
11	See original claim 2	
12	See original claim 3	
13	See original claim 4	
14	See original claim 4	
15	See original claim 5	
16	See original claim 6	
17	See original claim 7	
18	See original claim 7	

Independent claim 19 is similar to original claim 1 with the differences being that items (a), (b), and (c) discussed above in Paragraph 5(B) are not present nor is there any use of means plus function language. Dependent claims 20-26 all depend from claim 19 and find basis in the original '407 patent as shown in the following table.

Claim	Corresponds Substantially to Original Claims	Limitation Present in Original Claim1
20	See original claim 2	
21	See original claim 2	
22	See original claim 3	
23	See original claim 4	
24	See original claim 4	
25		"guide"
26		"supporting elements"

Independent claim 27 is also similar to original claim 1 with the differences being that items (a), (b), and (c) are removed and that the subject matter specifically identified by the examiner in the Notice of Allowance dated October 13, 1998 is recited in the claim.

Dependent claims 28-34 all depend from claim 27 and find basis in the original '407 patent as set forth in the following table.

Claim	Corresponds Substantially to Original Claims	Limitation Present in Original Claim1
28		"guide"
29		"supporting elements"
30	See original claim 2	
31	See original claim 2	
32	See original claim 3	
33	See original claim 4	
34	See original claim 4	

6. The error in claiming less than I had a right to claim (described and specified in Paragraph 5) arose without any deceptive intent on my part with such error becoming known as a result of a recent analysis and review of a product known as the LNS HYDROBAR EXPRESS 226. This LNS product is substantially similar to the bar pusher device shown in the '407 patent. However, in reviewing claim 1 of the '407 patent, I noted the inclusion of claim limitations specifically directed to the preferred structural features of the bar advancement device as discussed above in Paragraph 5(B). It then became apparent that the true scope of my invention as now set forth in new claims 8, 19 and 27 (and as originally disclosed in the '407 patent) was not fully appreciated by me or by my attorney until our review of the LNS product. While I am not certain, I believe that my attorney and I failed to appreciate the full scope of my invention because of my misplaced emphasis on the details of the preferred structure of my bar pusher device which thereby prevented us from

fully appreciating the scope of the invention in terms of its broader elements as now recited in new independent claims 8, 19 and 27.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 06-30-2000

Andrea Drei L.S.  
Andrea Drei

09617825-071700

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**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**

Box REISSUE

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

I.E.M.C.A. S.P.A Industria Elettromeccanica Complessi Automatici, a corporation,  
certifies in accordance with 37 CFR 3.73(b) that it is the assignee of the entire right, title and  
interest in the patent identified above by virtue of a chain of title from the inventors of the patent  
application indicated above, to the current assignee as shown below:

1. **From:** Andrea Drei  
**To:** I.E.M.C.A. S.P.A Industria Elettromeccanica Complessi Automatici

The document was recorded in the Patent and Trademark Office on April 8, 1997  
at Reel 008511, Frame 0327

The undersigned has reviewed all the documents in the chain of title of the patent  
application identified above and, to the best of the undersigned's knowledge and belief, title is in  
the assignee identified above.

As assignee of the entire interest of the above-identified application, the following  
attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent

and Trademark Office connected with the reissue application of the above-referenced patent.

Michael A. Cantor	-	Registration No. 31,152
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Michael J. Rye	-	Registration No. 34,422
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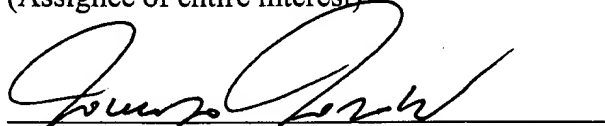


The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I.E.M.C.A. S.P.A Industria Elettromeccanica  
Complessi Automatici  
(Assignee of entire interest)

Date: 06/30/2000



Signature

Tomaso TAROZZI

Name

Managing Director

Title